NOTICE AND AGENDA

SUNNYVALE CITY COUNCIL TUESDAY, AUGUST 11, 2009 COUNCIL CHAMBERS and WEST CONFERENCE ROOM CITY HALL - 456 W. OLIVE AVE. SUNNYVALE, CALIFORNIA

5 P.M. SPECIAL COUNCIL MEETING (Closed Session)

City Council Closed Session

- 1. Call to Order in the West Conference Room (Open to the Public)
- 2. Roll Call
- 3. Convene to Closed Session The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.
 - a. Closed Session pursuant to Government Code Section 54956.9(a):
 CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION.
 Name of case: Randall Gilbert vs. City of Sunnyvale, Santa Clara County Superior Court Case No.1-03-CV-004823; Appellate Case No. H027237
- 4. Adjourn Special Meeting

5:30 P.M. SPECIAL COUNCIL MEETING (Study Session)

City Council Study Session

- 1. Call to Order in the West Conference Room (Open to the Public)
- Roll Call
- 3. Convene to Board and Commission Interviews
- 4. Public Comment
- 5. Adjourn Special Meeting

7 P.M. COUNCIL MEETING

Pursuant to Council Policy, City Council will not begin consideration of any agenda item after 11:30 p.m. without a vote. At approximately 9:30 p.m., Council will make an announcement indicating that items may not be heard after 11:30 p.m. Any item on the agenda which must be continued due to the late hour shall be continued to a date certain. Information provided herein is subject to change from date of printing of the agenda to the date of the meeting.

Any agenda related writings or documents distributed to members of the City of Sunnyvale City Council regarding any open session item on this agenda will be made available for public inspection in the Office of the City Clerk located at 603 All America Way, Sunnyvale, CA. during normal business hours and in the Council Chamber on the evening of the Council Meeting, pursuant to Government Code §54957.5.

CALL TO ORDER – Call to order in the Council Chambers

SALUTE TO THE FLAG

ROLL CALL

CLOSED SESSION REPORT FOR AUGUST 11, 2009

Closed Session pursuant to Government Code Section 54956.9(a): CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION. Name of case: Randall Gilbert vs. City of Sunnyvale, Santa Clara County Superior Court Case No.1-03-CV-004823; Appellate Case No. H027237

SPECIAL ORDER OF THE DAY

<u>PUBLIC ANNOUNCEMENTS</u>
Each speaker is limited to three minutes for announcements of community events, programs, or recognition.

PRESENTATION – Presentation by Valley Transportation Authority (VTA) on the Southbound
 U.S. 101 Ramp Metering Project (10 minutes)

CONSENT CALENDAR

1.A.	MOTION	Approval of Council Meeting Minutes of July 28, 2009
1.B.	MOTION	Approval of Council Meeting Minutes of August 4, 2009
1.C.	MOTION	Approval of Information/Action Items – Council Directions to Staff

Fiscal Items

1.D. MOTION List of Claims and Bills Approved for Payment by the City Manager – List No. RTC 09-216 465

<u>Staff Recommendation</u>: Review the attached lists of bills.

Staff Contact: Pete Gonda, (408) 730-7385

1.E. MOTION Investment and Cash Management Policy Update for Fiscal Year 2009/2010 RTC 09-213

<u>Staff Recommendation</u>: Adopt the attached Investment Policy for FY 2009/2010 as presented.

Staff Contact: Therese Balbo, (408) 730-7604

1.F. MOTION City of Sunnyvale Investment Report – 2nd Quarter 2009 RTC 09-214

Staff Recommendation: Receive and file the investment report.

Staff Contact: Therese Balbo, (408) 730-7604

1.G. MOTION Carryover of Unexpended City Funds from FY 2008/09 to FY 2009/10 for RTC 09-211 State of the City Event

<u>Staff Recommendation</u>: Approve carryover of \$62,162 in allocated but unexpended State of the City funds from FY 2008/09 to FY 2009/10. Staff Contact: Patricia Lord, (408) 730-7477

1.H. MOTION Approval to Accept Office of Economic Adjustment's Economic Development RTC 09-204 Conveyance Application Funding and Approval of Budget Modification No. 39

<u>Staff Recommendation</u>: Approve Budget Modification No. 3 to incorporate Onizuka AFS BRAC Economic Development Conveyance funding in the BRAC Project Budget. Staff Contact: Robert Switzer, (408) 730-7512

Personnel

1.I. MOTION Modification of Memoranda of Understanding: Communication Officers RTC 09-212 Association and Service Employees International Union, Local 521

<u>Staff Recommendation</u>: Alternative 1: Adopt the modification/supplement to the Memoranda of Understanding with the Communication Officers Association and Service Employees International Union, Local 521.

Staff Contact: Tammy Parkhurst, (408) 730-7498

1.J. MOTION Contract Renewals for Dental and Vision Insurance for Calendar Year 2010, RTC 09-215 Amended to Include Employee Paid Voluntary Buy-Up Options

<u>Staff Recommendation</u>: Alternative 1: Authorize the Director of Human Resources to enter into a contract with Delta Dental for the period of January 1, 2010 through December 31, 2010, and authorize the Director of Human Resources to enter into a contract with Vision Service Plan for the period of January 1, 2010 through December 31, 2010. <u>Staff Contact</u>: Dee Schabot, (408) 730-7534

Contracts: Sunnyvale Works!

1.K. MOTION Rejection of **Sunnyvale Works!** Bids for Interior Lining and Structural RTC 09-218 Repairs of Water Tanks at the Central and Hamilton Plants (F0806-85)

<u>Staff Recommendation</u>: Reject all bids received in response to the Invitation for Bids F0806-85 for Interior Lining and Structural Repairs of Water Tanks at the Central and Hamilton Plants.

Staff Contact: Pete Gonda, (408) 730-7418

Other Items

1.L. MOTION Ratification of Council Intergovernmental Committee Appointment to Bay RTC 09-210 Area Council Economic Institute

<u>Staff Recommendation</u>: Alternative 1; Council ratifies the appointment of Councilmember Hamilton to the Bay Area Council Economic Institute. Staff Contact: Yvette Blackford, (408) 730-7536

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS

Staff may provide further information or clarification for the community's benefit in response to public comments made at previous Council meetings. Staff will not necessarily respond to all public comments

PUBLIC COMMENTS

This category is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this evening's agenda you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the City Clerk. Individuals are limited to one appearance during this section.

PUBLIC HEARINGS/GENERAL BUSINESS

If you wish to speak to a public hearings/general business item, please fill out a speaker card and give it to the city clerk. You will be recognized at the time the item is being considered by Council. Each speaker is limited to a maximum of three minutes. For land-use items, applicants are limited to a maximum of 10 minutes for opening comments and 10 minutes for closing comments.

2. MOTION A Resolution Adopting a Negative Declaration and Amending the General Plan by Revising the Housing and Community Revitalization Sub-Element (continued from the July 14, 2009 Meeting)

<u>Staff Recommendation</u>: Alternative 1: Adopt a resolution of the City Council of the City of Sunnyvale adopting a Negative Declaration and amending the General Plan by revising the Housing and Community Revitalization Sub-Element.

<u>Staff Contact:</u> Suzanne Ise, (408) 730-7698

3. MOTION Automatic Gas Shut-Off Appliances in New or Significant Building RTC 09-158 Construction (Study Issue)

Staff Recommendation: Alternative 1: do not require the installation of Automatic Gas Shutoff Devices. This recommendation is made based on results of the 2003 State of California study that additional fire and life safety provided by automatic gas shutoff devices (seismically activated or excess flow) is not justified based on the additional costs. Based on reports from major earthquakes and our experience in Sunnyvale after the Loma Prieta earthquake, the fires ignited by gas leaks are very minimal and resulting loss of life is almost non-existent. Additionally, there is an increased risk from improperly restored gas line that may lead to the increased risk of carbon monoxide accumulation in a structure. Staff Contact: Kelly Fitzgerald, (408) 730-7220

4. MOTION Follow-up to Council Study Issue (RTC 09-090): Enforceability of CC&Rs for RTC 09-219 Violations to City Code and Project Approvals

<u>Staff Recommendation</u>: Council to discuss the sufficiency of the education plan as described in RTC 09-164 and to make modifications, if necessary. Staff Contact: Rosemarie Zulueta, (408) 730-7437

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

- Council
- Staff

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Draft Minutes of Parks and Recreation Commission Meeting of July 8, 2009
- Draft Minutes of Arts Commission Meeting of July 15, 2009
- Draft Minutes of the Bicycle and Pedestrian Advisory Commission Meeting of July 16, 2009
- RTC 09-217 Opportunity for Council to Appeal Decisions of the Planning Commission of July 27, 2009 and the Administrative Hearing of July 29, 2009
- Draft Minutes of the Board of Library Trustees Meeting of August 3, 2009

ADJOURNMENT TO THE REDEVELOPMENT AGENCY

REDEVELOPMENT AGENCY

ROLL CALL

PUBLIC ANNOUNCEMENTS Each speaker is limited to three minutes for announcements of

community events, programs, or recognition.

CONSENT CALENDAR

RDA 1.A. MOTION Approval of Redevelopment Agency Meeting Minutes of June 23,

2009

RDA 1.B. Redevelopment Agency Investment and Cash Management Policy MOTION

> RDA 09-003 Update for Fiscal Year 2009/2010

Staff Recommendation: Redevelopment Agency Board adopt the attached investment

policy for FY 2009/2010 as presented.

Staff Contact: Therese Balbo, (408) 730-7604

STAFF RESPONSES TO

Staff may provide further information or clarification for the PRIOR PUBLIC COMMENTS community's benefit in response to public comments made at previous Agency meetings. Staff will not necessarily respond to

all public comments.

PUBLIC COMMENTS

This category is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the Agency Chair) with a maximum of three minutes per speaker. If your subject is not on this evening's agenda, you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Agency members. If you wish to address the Agency, please complete a speaker card and give it to the Agency Clerk. Individuals are limited to one appearance during this section.

ADJOURNMENT TO THE ONIZUKA LOCAL REDEVELOPMENT AUTHORITY

ONIZUKA LOCAL REDEVELOPMENT AUTHORITY

ROLL CALL

CONSENT CALENDAR

LRA 1.A. MOTION Approval of Onizuka Local Redevelopment Authority Meeting Minutes

of December 2, 2008

LRA 1.B. MOTION Approval of Onizuka Local Redevelopment Authority Meeting Minutes

of December 9, 2008

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS

Staff may provide further information or clarification for the community's benefit in response to public comments made at previous Authority meetings. Staff will not necessarily respond to all public comments.

PUBLIC COMMENTS

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PUBLIC HEARINGS/GENERAL BUSINESS

If you wish to speak to a public hearings/general business item, please fill out a speaker card and give it to the agency clerk. You will be recognized at the time the item is being considered by the Agency. Each speaker is limited to a maximum of three minutes. For land-use items, applicants are limited to a maximum of 10 minutes for opening comments and 10 minutes for closing comments.

2. MOTION Selection of Local Redevelopment Agency (LRA) Officers and Local LRA 09-001 Redevelopment Agency (LRA) Executive Committee Members

<u>Staff Recommendation</u>: Select a Chairperson, a Vice-Chairperson, and one additional LRA member to constitute the three-member LRA Executive Committee. <u>Staff Contact</u>: Robert Switzer, (408) 730-7512

INFORMATION ONLY REPORTS/ITEMS

LRA 09-002 Onizuka Air Force Station Status Report (Information Only)

ADJOURNMENT

Notice to the Public:

The agenda reports to council (RTC's) may be viewed on the City's Web site at http://sunnyvale.ca.gov after 7 p.m. on Thursdays or at the Sunnyvale Public Library, 665 W. Olive Ave. as of Fridays prior to Tuesday City Council meetings. Please contact the Office of the City Clerk at (408) 730-7483 for specific questions regarding the agenda.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the Office of the City Clerk at or before the public hearing. PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure 1094.5.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Office of the City Clerk at (408) 730-7483. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CFR 35.104 ADA Title II).

GUIDELINES FOR ADDRESSING THE CITY COUNCIL

Public Announcement – Beginning of Council Meeting

- Three minutes or less per speaker.
- Speakers are requested to give their name (address is optional).
- Recognition of a special achievement.
- Announcement of public event with definite time and date.
- Public events that are of community—wide interest that occur on an annual basis (only announce one time).

<u>Public Hearing – Order of Hearing as Follows:</u>

- Opening remarks by the applicant (if applicable) are limited to 10 minutes.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Anyone interested in addressing the Council (may only speak one time).
- Closing remarks by the applicant (if applicable) are limited to 10 minutes.
- Time limit of three minutes per person (may be extended at discretion of mayor). Please make comments brief and be prepared to provide new input.

Public Comments

- Any item relevant to the City of Sunnyvale.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Items not on the agenda.
- Items that do not fall within the scope of the public announcement section.
- This category is limited to 15 minutes (may be extended or continued after the public hearing/general business section of the agenda at the discretion of the mayor) with a maximum of three minutes per speaker. If your subject is not on this agenda, you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by the Council. Individuals are limited to one appearance during this section.

Planning a presentation for a City Council/Planning Commission meeting?

To assist you in utilizing the technology available in the Council Chamber, the publication "How to Make Your Council Chamber Presentation More Effective" may be helpful. Copies are available on the tables located at the back of the Council Chamber prior to scheduled City Council and Planning Commission meetings. You may also pick up a copy at the Office of the City Clerk or visit the City's Web site at http://sunnyvale.ca.gov.

Planning to present materials to Council?

If you wish to provide the City Council with copies of your presentation materials, **please provide**12 copies of the materials to the city clerk (located to the left of the Council dais). The city clerk will distribute your items to the Council.

SCHEDULED COUNCIL MEETINGS

DATE	MEETING	TIME	PLACE
Sept. 1, 2009	Council Meeting	7 p.m.	Council Chambers
Sept. 29, 2009	Council Meeting	7 p.m.	Council Chambers
Oct. 6, 2009	Council Meeting	7 p.m.	Council Chambers
Oct. 20, 2009	Council Meeting	7 p.m.	Council Chambers
Oct. 27, 2009	Council Meeting	7 p.m.	Council Chambers
Nov. 17, 2009	Council Meeting	7 p.m.	Council Chambers
Nov. 24, 2009	Council Meeting	7 p.m.	Council Chambers
Dec. 1, 2009	Council Meeting	7 p.m.	Council Chambers
Dec. 8, 2009	Council Meeting	7 p.m.	Council Chambers
Dec. 15, 2009	Council Meeting	7 p.m.	Council Chambers

OTHER SCHEDULED MEETINGS

Aug. 10, 2009	Planning Commission Study Session	7 p.m.	West Conference Rm
Aug. 10, 2009	Planning Commission Public Hearing	8 p.m.	Council Chambers
Aug. 12, 2009	Parks and Recreation Commission	7 p.m.	Council Chambers
Aug. 12, 2009	Administrative Hearing	2 p.m.	West Conference Rm
•	Arts Commission	•	Council Chambers
Aug. 19, 2009		7 p.m.	
Aug. 17, 2009	Personnel Board	5 p.m.	Council Chambers
Aug. 20, 2009	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conference Rm
Aug. 24, 2009	Planning Commission Study Session	7 p.m.	West Conference Rm
Aug. 24, 2009	Planning Commission Public Hearing	8 p.m.	Council Chambers
Aug. 26, 2009	Administrative Hearing	2 p.m.	West Conference Rm
Aug. 26, 2009	Housing & Human Services Commission	7 p.m.	West Conference Rm
Sept. 2, 2009	Heritage Preservation Commission	7 p.m.	West Conference Rm
Sept. 9, 2009	Parks and Recreation Commission	7 p.m.	Council Chambers
Sept, 14, 2009	Board of Library Trustees	7 p.m.	Library Program Rm A
Sept. 16, 2009	Arts Commission	7 p.m.	Council Chambers
Sept. 21, 2009	Personnel Board	5 p.m.	Council Chambers
Oct. 14, 2009	Parks and Recreation Commission	7 p.m.	Council Chambers
Oct. 19, 2009	Personnel Board	5 p.m.	Council Chambers
Oct. 21, 2009	Arts Commission	7 p.m.	Council Chambers
Nov. 11, 2009	Parks and Recreation Commission	7 p.m.	Council Chambers
Nov. 18, 2009	Arts Commission	7 p.m.	Council Chambers
Dec. 9, 2009	Parks and Recreation Commission	7 p.m.	Council Chambers
Dec. 16, 2009	Arts Commission	7 p.m.	Council Chambers

<u>CHANNEL 15 – KSUN</u> For a complete schedule of KSUN-15 broadcasts, visit *KSUN.inSunnyvale.com*

Aug. 9, 2009	City Council Meeting – Replay of August 4, 2009	4	p.m.
Aug. 11, 2009	City Council Meeting – Live	7	p.m.
Aug. 12, 2009	City Council Meeting - Replay of Aug. 11, 2009	7	p.m.
Aug. 16, 2009	City Council Meeting – Replay of Aug. 11. 2009	4	p.m.